

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementation of Section 621(a)(1) of the Cable	)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended	)	
by the Cable Television Consumer Protection and	)	
Competition Act of 1992	)	

**COMMENTS OF PITTSBURGH COMMUNITY TELEVISION**

Pittsburgh Community Television Corporation appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Pittsburgh Community Television (PCTV) is located in Pittsburgh, Pennsylvania. We assist residents of Allegheny County in the production of community programming, which is cablecast to over 70,000 cable subscribers on Comcast channel 21 and Verizon channel 47. We operate a production facility on Pittsburgh’s Northside that includes two studios, a digital editing suite, and a classroom. We provide training and production facilities to a variety of stakeholders who utilize these resources to create programming that is directly relevant to the Greater Pittsburgh community. Our users include community members, non-profits, and religious institutions. Our organization strongly opposes the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees.

The effect of this FNPRM would be devastating to PCTV and other organizations like it across the country. Allowing cable operators to treat cable-related in-kind contributions as

franchise fees would have the effect of greatly reducing cable-related funds available to community organizations like PCTV. Under this proposed rule, in-kind contributions would reduce the franchise fees received by the city, dollar for dollar, which would then put direct pressure on the city to reduce funding for PCTV. Furthermore, allowing these companies to set the fair market value of such services will inevitably lead to arbitrary reductions. In Pittsburgh, for example, both Comcast and Verizon would have a built-in incentive to inflate fair market values to reduce the funds that they must pay to the city and ultimately PCTV. For PCTV, this would result in the loss of over 600 hours of local programming each year including Board of Education meetings, local high school sports coverage, programs highlighting non-profit services, local religious services, youth programming, and programs highlighting community issues. The Pittsburgh community depends on PCTV to provide these programs, which aren't available from any other media outlet. A large segment of Pittsburgh's population does not have a voice or presence in the commercial media. We provide opportunities and information that would not be possible without a strong public access television institution in Pittsburgh. To be frank, this proposed rule directly threatens the existence of PCTV and other PEG organizations in all 50 states.

In the FNPRM you imply that that PEG programming is for the benefit of the local franchising authority (LFA) or a third-party PEG provider, rather than for the public or the cable consumer. We strongly dispute this idea. As we have demonstrated, PCTV provides essential local programming that is not otherwise available on the cable system or in other modes of video delivery such as satellite. Yet the Commission tentatively concludes that non-capital PEG requirements should be considered franchise fees because they are, in essence, taxes imposed for

the benefit of LFAs or their designated PEG providers. By contrast, the FNPRM tentatively concludes that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The FNPRM then requests comment on “other requirements besides build-out obligations that are not specifically for the use or benefit of the LFA or an entity designated the LFA and therefore should not be considered contributions to an LFA.”<sup>1</sup> PEG programming fits squarely into the category of benefits that do not accrue to the LFA or its designated access provider, yet the Commission concludes without any discussion of the public benefits of local programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public at large. PCTV provides direct benefit to the community, not the LFA.

In order to illustrate the benefits provided by local content in PEG programming, we invite the commission to view a video with testimonials from community members who have used PCTV and other community television stations around Pittsburgh. In the video, local producers of programming describe the importance of public access and how they utilize it to improve the community. For example, Luther Dupree says, “You get to be the voice of the people, you look at some of these channels, we don’t have a voice. PCTV allows us to interact, you know, show some of the things that’s not on network television, community events, sporting events, and our show, in particular, we give credit to a lot of young athletes and encourage them to keep going forward.” You can view the video at this link: <https://www.youtube.com/watch?v=bueokQfr7ew>.

We appreciate the opportunity to add to the record in this proceeding.

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<sup>1</sup> FNPRM ¶ 21.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John H. Patterson", with a long horizontal flourish extending to the right.

John H. Patterson

Executive Director

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November 14, 2018